

**REMARKS/ARGUMENTS**

Upon entry of this amendment, which amends claims 1, 6, and 11-12, and adds new claims 13-16, claims 1-16 remain pending. In the Office Action, claims 1-12 were rejected under 35 U.S.C. §102(a) as being anticipated by Luce (U.S. Patent No. 1,359,461). Applicants respectfully request withdrawal of the rejections in view of the amendments above and remarks below.

Applicants submit that Luce does not disclose or suggest every element of claim 1, as amended. For example, claim 1 recites a substantially horizontal receiving area and a substantially horizontal nesting part where the substantially horizontal nesting part nests within the substantially horizontal receiving area. In contrast, Luce discloses a curved member 5 that receives a curved member 6. Accordingly, a substantially horizontal receiving area and substantially horizontal nesting part are not disclosed or suggested by Luce.

Further, claim 1 recites that the handle is configured to continue to be ergonomic as the substantially horizontal nesting part pivots within the substantially horizontal receiving area. Luce does not disclose or suggest this concept. The Office Action notes that Luce inherently allows at least a minimal amount of pivoting. However, Luce does not disclose or suggest handles that are configured to continue to be ergonomic as the member 6 is pivoted in the member 5.

Embodiments of the present invention provide many advantages. For example, the handles are pivoted such that a bag may be expanded or contracted. The handles are configured to continue to be ergonomic as the pivoting is performed to different positions. Thus, the bag may be expanded or contracted and the handles continue to be ergonomic.

Accordingly, applicants respectfully request withdrawal of the rejection of claim 1. Claims 2-5 and 13 depend from claim 1 and thus derive patentability at least therefrom. These claims also recite additional non-obvious and novel features. For example, claim 13 recites the receiving area is substantially rounded and the nesting part is substantially rounded, wherein the substantially rounded receiving area substantially contacts the substantially rounded nesting part while pivoting. Luce discloses a strap-like member 6 and a groove-like member 5.

Fig. 3 of Luce also discloses a cross-section of the members. As shown, the rounded portion of member 6 does not substantially contact the groove part of member 5. Accordingly, applicants respectfully request withdrawal of the rejections of the claims 2-5 and 12.

Applicants submit that claims 6-12 and 14-16 should be allowable for at least a similar rationale as discussed with respect to claims 1-5 and 13. Accordingly, applicants respectfully request withdrawal of the rejections.

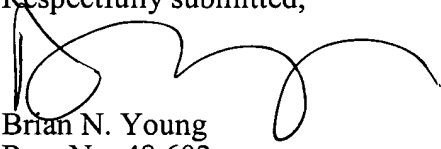
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Date: 6/9/05

  
Brian N. Young  
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
BNY:fcf  
60465611 v1